

Notice of Allowability

Application No.

09/776,937

Examiner

CHAMELI C. DAS

Applicant(s)

FLOCKHART ET AL.

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 5/7/04.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 17 June 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/1/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. This action is in response to the Appeal Brief filed on 5/7/04.
2. Claims 1-27 have been allowed.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brian Dinicola, applicant's attorney on 7/1/04.

The application has been amended as follows:

- (i) In the specification, the abstract has been replaced by the following abstract.

-- When a call to a call center is enqueued to await an agent or placed on hold by an agent, an applet customized to satisfy an in-queue experience selected by the caller is downloaded to and executed on the caller's terminal. The applet presents information to the caller, and may also interact with the caller by, for example, gathering information from the caller. The time needed for execution of the selected applet is within a wait time negotiated with the caller. Preferably, the caller is identified (e.g., via the caller's address or identifier), and the applet is further customized for that caller's preferences, e.g., based on previously-gathered and stored information about that caller. When the agent is about ready to take the call, the

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caller is alerted. When an agent dequeues the call or takes the call off hold, connection of the agent with the client is (re)established. --

(ii) In the claims:

In claim 1, line 4, "terminal" has been replaced by -- user's terminal --.

In claim 1, line 5, has been replaced by -- execution by the user's terminal while the said terminal's communication is on hold.--

In claim 2, line 2, "terminal" has been replaced by -- user's terminal ---.

In claim 2, line 3, "terminal's" has been replaced by -- said terminal's --.

In claim 2, line 5, "terminal" has been replaced by -- said terminal --.

In claim 18, line 4, "terminal" has been replaced by -- user's terminal --.

In claim 18, line 6, "terminal" has been replaced by -- said terminal --.

REASON FOR ALLOWANCE

4. The following is an examiner's statement of reason for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, a communication method comprising: downloading the customized computer program to the user's terminal for execution by the user's terminal while the said terminal's communication is on hold, as recited in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments of Statement of Reason for Allowance".

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Conclusion

5. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Method and system for on-demand installation of software implementations, US 6523166 B1

TITLE: Method and system for implementing network filesystem-based aid for computer operating system upgrades, US 6496977 B1

TITLE: System and method for upgrading client software, US 6425125 B1

TITLE: Wireless communication device with markup language based man-machine interface, US 6675204 B2

TITLE: System, method and article of manufacture for configuration management in a development architecture framework, US 6256773 B1.

TITLE: Wireless Client/Server Computing for Personal Information Services and Applications, author: Elmagarmid et al, ACM, 1995.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER

7/6/04

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